

REMARKS

Claims 1 – 20 are pending. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 1 – 20 were rejected under 35 USC 112, second paragraph, as being indefinite. The independent claims have been amended to adopt the wording suggested in the office action. Accordingly, it is respectfully requested that the rejection be withdrawn.

Claims 1, 2, 4 and 10 (and also claims 11 – 15 and 17) were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 5,108,159, Tsang et al. (“Tsang”) in view of U.S. Publication 2001/0017077, Kuragaki et al. (“Kuragaki”) or U.S. Patent No. 5,636,908, Yamamuro (“Yamamuro”). Claims 3 and 16 were rejected under 35 USC 103(a) as being unpatentable over Tsang in view of Kuragaki or Yamamuro, further in view of U.S. Patent No. 6,142,581, Yamaguchi et al. (“Yamaguchi”). Claims 5 – 9 and 18 – 20 were rejected under 35 USC 103(a) as being unpatentable over Tsang in view of Kuragaki or Yamamuro, and further in view of U.S. Patent No. 6,109,703, Takahishi (“Takahishi”). Insofar as the rejections may be applied to the claims as amended, the rejections are respectfully traversed for reasons including the following.

The applicants previously argued that “None of the cited references teach or suggest that the dither current is used for controlling a braking force regulating portion. Moreover, the cited references fail to teach or suggest that the amplitude or frequency of the dither current is changed by the control portion for suppressing the braking noise.” The final office action completely failed to respond to this argument.

Independent claim 1 recites, in combination, that “when either the brake noise generation or the possibility thereof is detected by the brake noise detecting portion, the control portion

changes at least one of an amplitude and a cycle of the dither current to suppress brake noise by applying, to the braking force regulating portion, the dither current with a frequency different from a self-excited vibration of the brake noise.” (See also independent claim 14.) Independent claim 13 recites, in combination, “the control portion changes at least one of an amplitude and a cycle of the dither current to suppress brake noise by applying, to the braking force regulating portion, the dither current with a frequency different from a self-excited vibration of the brake noise.”

Tsang does not teach or suggest that “the control portion changes at least one of an amplitude and a cycle of the dither current to suppress brake noise.” Moreover, Tsang fails to teach or suggest the control portion “applying, to the braking force regulating portion, the dither current with a frequency different from a self-excited vibration of the brake noise.”

The office action argues that Kuragaki and Yamamuro generally teach “using dither currents to smooth out the operation of solenoid valves and thereby reduce noise.” However, this teaching fails to remedy the deficiencies of Tsang.

For at least these reasons, the combination of features recited in independent claims 1, 13 and 14, when interpreted as a whole, is submitted to patentably distinguish over the prior art. In addition, the references clearly fail to show other claimed features as well.

With respect to the rejected dependent claims, the applicants respectfully submit that these claims are allowable not only by virtue of their dependency from independent claim 1 or 14, but also because of additional features they recite in combination.

The applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. The applicants do not concede that the cited prior art shown any of the elements recited in the claims. However, the applicants

have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

The applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples the applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, the applicants have provided examples of why the claims described above are distinguishable over the cited prior art.

The applicants respectfully request entry of the present amendment for the following reasons. First, the amendments to the claims are necessary to address claim informalities. These amendments were unable to be introduced earlier.

Second, the amendments to the claims do not raise new issues requiring further search since the amendments reflect the scope of the Examiner's review, as revealed by the Examiner's comments in the final office action.

Third, the applicants respectfully submit that no new matter has been introduced. In addition, the amendments made to the claims are minor changes performed in response to the Examiner's comments.

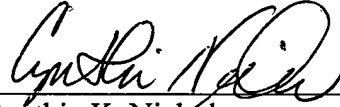
Fourth, the amendments to the claims place the application in better form for appeal by materially simplifying the issues, i.e., correcting formality requirements.

Accordingly, the applicants respectfully request entry of the present Amendment.

In view of the forgoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Cynthia K. Nicholson', written over a horizontal line.

Cynthia K. Nicholson

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